

REMARKS

This is in full response to the non-final Office Action dated September 21, 2005. The present Amendment amends claims 1-4 in order to further clarify a portion of the scope sought to be patented, and to otherwise dispute certain findings of fact made in connection with the rejection of the claims. New claims 5 and 6 have been added. Support for these amendments can be found variously throughout the specification, including, for example, page 4, lines 9-18, page 10, line 3 to page 11, line 3, and page 18, lines 4-12.

No new matter has been added.

Accordingly, claims 1-4 are presently pending in the application, each of which is believed to be in condition for allowance. Reexamination and reconsideration in light of the present Amendment and the following remarks are respectfully requested.

Priority Acknowledgement

It is noted that the Action has not acknowledged the claim for priority and the submission of certified copies of documents supporting that claim filed on July 23, 2003.

Drawings

It is noted with appreciation that the drawings filed on July 23, 2003 are accepted by the Examiner.

New Claims

Support for new claims 5 and 6 can be found variously throughout the specification, including, for example, page 4, lines 9-18 and Fig. 5. Since each of these new claims is clearly distinguishable from the applied art of record, allowance of the same is courteously solicited.

Claim Rejections – 35 U.S.C. § 103

In the Office Action, claims 1 and 4 were rejected under 35 U.S.C. § 103(a) as allegedly being anticipated by U.S. Application Publication No. 2001/0040667-A1 to Sasaki, in view of U.S. Patent No. 6,004,423 to Ruedin et al. Additionally, claims 2 and 3 were rejected under 35

U.S.C. § 103(a) as allegedly being anticipated by Sasaki in view of Ruedin, and further in view of U.S. Application Publication No. 2002/0053688-A1 to Gonzalez et al. and U.S. Application Publication No. 2002/0053515-A1 to Nemelka. This rejection is respectfully traversed.

Claims 1 and 4

Independent claims 1 and 4 recite, *inter alia*, **a field emission display (FED)**, wherein elastically deformable spacers are fastened to a plurality of projected portions on one of the FED panel substrates. The spacers are **fastened to the projected portions by a recoil strength obtained when each said spacer is elastically deformed**.

In contrast, Sasaki discloses a liquid crystal display panel (pg. 1, par. 0002) and Ruedin discloses laminated cells, e.g. liquid crystal display cells or photoelectrochemical cells (col. 1, lines 22-31), but both fail to disclose, teach, or suggest at least **a field emission display**. Additionally, although Sasaki (pg. 1, par. 0008) and Ruedin (col. 3, lines 13-22) both disclose the use of spacers, neither reference discloses, teaches, nor suggests at least that **the spacers are fastened to projected portions on the substrate by a recoil panel strength obtained when each spacer is elastically deformed**.

Accordingly, because Sasaki and Ruedin, either alone or in combination, fail to disclose, teach or suggest each and every limitation of claims 1 and 4, a *prima facie* case of obviousness has not been established, and withdrawal of this rejection is respectfully requested. See, e.g., *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); *accord*. MPEP 2143.03. Withdrawal of the rejection of these claims is therefore courteously solicited.

Claims 2 and 3

Claims 2 and 3 are each dependent on independent claim 1. Claim 2 recites, *inter alia*, **a field emission display as in claim 1, wherein each spacer is formed in a rectilinear shape and fastened to the projected portions by a recoil strength obtained when the spacer is elastically deformed, being supported in a curved line shape**. Claim 3 recites, *inter alia*, a

field emission display as in claim 1, wherein each spacer is formed in a curved line shape and fastened to the projected portions by a recoil strength obtained when the spacer is elastically deformed, being supported in a rectilinear shape.

As noted earlier, neither Sasaki nor Rueben discloses, teaches or suggests a **field emission display**. Likewise, Gonzalez discloses a semiconductor structure (pg. 1, par. 0009), but fails to disclose, teach or suggest at least a **field emission device**.

While Nemelka arguably discloses a field emission device, Nemelka fails to disclose, teach or suggest either spacers **formed in a rectilinear shape and fastened to the projected portions by a recoil strength obtained when the spacer is elastically deformed, being supported in a curved line shape** or spacers **formed in a curved line shape and fastened to the projected portions by a recoil strength obtained when the spacer is elastically deformed, being supported in a rectilinear shape**. The Office Action cites Nemelka at page 4, par. 0042, which allegedly discloses that the spacers might be “supported in various shapes including a curved line shape”. However, page 4, par. 0042 actually discloses that the curved shape applies to the substrate assembly 12, and not the spacers **20**, and no mention is made of the spacers being elastically deformed in any manner.

Moreover, aside from the novel limitations recited therein, claims 2 and 3, being dependent either directly or indirectly upon allowable base claim 1, are also allowable at least by virtue of their dependency upon allowable claim 1. Withdrawal of the rejection of these claims is therefore courteously solicited.

Conclusion

For at least the foregoing reasons, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the examiner is respectfully requested to pass this application to issue. If the examiner has any comments or suggestions that could place this application in even better form, the examiner is invited to telephone the undersigned attorney at the below-listed number.

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Respectfully submitted,

By _____
Ronald P. Kananen
Registration No.: 24,104
Attorneys for Applicant

RADER, FISHMAN & GRAUER, PLLC
Lion Building
1233 20th Street, N.W., Suite 501
Washington, D.C. 20036
Tel: (202) 955-3750
Fax: (202) 955-3751

Customer No. 23353